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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALBERTO DELARA, on behalf of himself
and others similarly situated,

Plaintiffs,

vs.

DIAMOND RESORTS INTERNATIONAL
MARKETING, INC.,

Defendant.

Case No. 2:19-cv-00022-APG-NJK

**STIPULATION OF DISMISSAL AS
TO CERTAIN OPT-IN PLAINTIFFS
AND ORDER**

Pursuant to LR IA 6-2 and the Court's Order Granting in Part Motion for Summary Judgment [ECF No. 182], the Parties hereby stipulate that the following FLSA Opt-In Plaintiffs are dismissed from this action because they (1) filed for bankruptcy protection and lack standing to assert their claims, (2) released their claims, and/or (3) are time barred from asserting their claims.

I. Opt-In Plaintiffs Who Lack Standing Due to Their Bankruptcy Filings

Pursuant to the Court's Order (ECF No. 182, at 7:8-15), the Parties stipulate that the following individuals' claims under the FLSA are dismissed.

1. Susan D. Beckett
2. Cheyenne Diaz
3. Richard Diaz
4. Jennifer R. Keller (Par-sons)
5. James King
6. Stuart Alan Strauss

II. FLSA Opt-In Plaintiffs Who are Partially Dismissed Due to Their Bankruptcy Filings

Pursuant to the Court's Order (ECF No. 182, at 7:16-20), the Parties stipulate that the following individuals' claims under the FLSA up to the dates specified below are dismissed, and their "claims that arose after their bankruptcy proceeding was discharged or dismissed" will remain in the action.

1. Alberto Delara (claim dismissed for period prior to 12/16/16)
2. Michael George Murrell (claim dismissed for period prior to 4/17/17)
3. Denise Carla Smith (claim dismissed for period prior to 1/31/19)
4. Sheila D. Van Diver (claim dismissed for period prior to 11/4/16)
5. Mary Watchorn (claim dismissed for period prior to 9/28/17)

III. Opt-In Plaintiffs Who are Dismissed Due to Collateral Estoppel

Pursuant to the Court's Order (ECF No. 182, at 6:1-4), the Parties stipulate that the following individuals' claims under the FLSA are dismissed.

- 1 1. Andrews, Jennifer A
- 2 2. Arsenault, Darlene Marie
- 3 3. Atkinson, Sherrie Jonette
- 4 4. Baptiste, Richard Allen
- 5 5. Batchelor, Catherine Rose
- 6 6. Biondo, Tonya Jean
- 7 7. Brun, Daphne Benedicte
- 8 8. Chotalal, Emerald Flora
- 9 9. Strauss, Stuart Alan
- 10 10. Ellis, Parinaz Shahraray
- 11 11. Fitzpatrick, Ethan Arron
- 12 12. Fuery, Shirley
- 13 13. Gay, Jeffrey Lee
- 14 14. Gottuso, Kimberly Catherine
- 15 15. Graff, Jacob Daniel
- 16 16. Gray, Ryon S.
- 17 17. Karam, Grace
- 18 18. King, James Robert
- 19 19. Beckett, Susan Dorothy
- 20 20. Lewis, Joseph Dewayne
- 21 21. Mackabee, Lakesha Kaye
- 22 22. Price, Pamela Yevetta
- 23 23. Pullum, Sierra Amber
- 24 24. Shaw, William Fred
- 25 25. Slade Merchant, Kelly Monique
- 26 26. Solimeno, Therese
- 27 27. Stevens, Leonard William
- 28 28. Tatkiewicz, Irena E

1 29. Tenebruso, Daniel Sergio

2 30. Winter Cherry, Molly Jean

3 31. Valentine, Geoff

4 **IV. Opt-In Plaintiff Who is Dismissed Due to Individual Settlement**

5 Pursuant to the Court's Order (ECF No. 182, at 6:5-8), the Parties stipulate that the
6 following individual's claims under the FLSA are dismissed.

7 1. Kenza El Ansari

8 **V. Opt-In Plaintiffs Who are Dismissed Due to Statute of Limitations**

9 Pursuant to the Court's Order (ECF No. 182, at 8:1-5), the Parties stipulate that the
10 following individuals' claims under the FLSA are dismissed.

11 1. Attiah, Margaret Daniel

12 2. Bracho, Elisha Marie

13 3. Edwards, Iliana Lily

14 4. Freeman, Elizabeth Ann

15 5. Graciani, Jahaira Evette

16 6. Hambek, Phyllis Ann

17 7. Kluk, Marcelina Elizbieta

18 8. King, Jillian Marie

19 9. Mackabee, Lakesha Kaye

20 10. Shaw, William Fred

21 11. Patrick, Theresa

22 12. Solimeno, Therese

23 13. Tatkiewicz, Irena E

24 14. Thompson, Michele Leigh

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15. Tracie Flowers

IT IS SO STIPULATED this 10th day of February 2022.

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/s/ Ferry Lopez

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ORDER

Based on the Parties' Stipulation, and for good cause shown, it is hereby ORDERED that the Stipulation of Dismissal as to Certain Opt-In Plaintiffs be granted, and the individuals identified in the Stipulation are dismissed from the action as specified above.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: February 11, 2022